

### **REMARKS**

Reexamination and reconsideration in light of the following remarks is respectfully requested. Claims 13-20 are pending in this application. Claim 1-12 have been canceled without prejudice or disclaimer. Claim 13 has been amended to recite that the curing step forms a copolymer of acrylate derivatives. Support for the amendment can be found in original claim 1 as well as at page 9, lines 3-8 of the specification. New claims 14-20 have been added. No new matter has been added to the new claims. Support for the new claims can be found in original claims 2-8 of the present application as well as page 8, line 10 to page 9, line 8 of the specification.

Applicant notes the Examiner's consideration of the information cited in the Information Disclosure Statement filed November 26, 2003 as acknowledged in the Office Action Summary. Applicant further notes the Examiner's acknowledgment of Applicant's claim for foreign priority under 35 U.S.C. § 119 and receipt of the certified priority document in U.S. Application No. 10/158,131.

### **Rejection Under 35 U.S.C. § 103(a)**

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishikitani et al. (JP 08-295711) in view of Kanbara et al. (U.S. Patent No. 5,900,182). According to the Examiner, Nishikitani discloses a method of making a solid electrolyte wherein the electrolyte is a starting liquid of polymer electrolyte composite comprising a mixture of (i) an electrolyte solution comprising a polar solvent and a solute comprising an alkali metal salt and/or an alkaline earth metal salt, (ii) a first monomer of a monofunctional acrylic monomer having at least one hydroxyl group and a polymerizable double bond and (iii) a second acrylic monomer

having a plural of polymerizable double bonds. The Examiner concedes that Nishikitani “fails to disclose expressly the forming of an electrolyte capacitor comprising: a step of making a capacitor precursory body comprising an anode foil, a cathode foil and a separator sandwiched between said anode and said cathode foils; [and] a step of impregnating a starting liquid of a polymer electrolyte composite to said capacitor precursory body, thereby to make a starting electrolytic capacitor element.” For this deficiency, the Examiner relies on Kanbara. The Examiner concludes that a person having ordinary skill in the art would have been motivated “to modify Nishikitani with Kanbara to obtain an electrolytic capacitor with high ionic conductivity.” Applicant respectfully traverses the rejection.

The present invention is directed to a method of making an electrolytic capacitor. The steps defined by the method include (1) making a capacitor precursory body comprising an anode foil, a cathode foil and a separator sandwiched between said anode and said cathode foils; (2) impregnating the capacitor precursory body with a starting liquid comprising (i) an electrolyte solution containing at least one of inorganic acid, organic acid or a salt of an inorganic and organic acid, (ii) at least one monofunctional acrylic monomer having at least one hydroxyl group at a terminal thereof and a polymerizable double bond, and (iii) at least one polyfunctional acrylic monomer having plural polymerizable double bonds; and (3) curing said starting liquid of said polymer electrolyte to form a copolymer of acrylic derivatives. The copolymer of acrylic derivatives constitutes a copolymer matrix wherein the electrolyte is incorporated in the copolymer matrix. These process steps are not disclosed or suggested by the combined teachings of Nishikitani and Kanbara.

Nishikitani does not teach or suggest the liquid polymer electrolyte as claimed as proffered by the Examiner. While Nishikitani does disclose a mixture of two acryloyl-polyalkylene oxides in a polar solvent containing an alkali metal or alkaline earth metal salt, the reference fails to disclose a curing step to form a copolymer matrix containing a acryloylpolyalkylene oxide, let alone incorporating an electrolyte solution in the copolymer matrix. The reference does not disclose that the disclosed mixture contains at least an inorganic acid, organic acid or a salt of an inorganic and organic acid as required by claim 13.

Kanbara does not make up for the deficiencies of Nishikitani. Kanbara is directed to making an ion-conductive polymer electrolyte. The polymer contains an acrylate having a terminal hydroxy, but it fails to disclose a copolymer of such an acrylate and another acrylate having plural polymerizable double bonds as required by claim 13. The reference fails to disclose or suggest forming a capacitor precursory body and subsequently impregnating the capacitor precursory with a composite followed by curing so as to form a copolymer matrix of acrylic derivatives having an electrolyte solution incorporated in the copolymer matrix as required by claim 13.

The Examiner conclusion of obviousness is merely a conclusion. The Examiner has not presented any cogent scientific reasoning why a person having ordinary skill in the art would have been motivated "to modify Nishikitani with Kanbara to obtain an electrolytic capacitor with high ionic conductivity." There is no explanation as to how Nishikitani would be modified by Kanbara and why such a modification would result in an electrolytic capacitor having high ionic conductivity.

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For all of the foregoing reasons, the Examiner has not established a *prima facie* case of obviousness. Accordingly, it is respectfully requested that the rejection of claim 13 over Nishikitani and Kanbara be reconsidered and withdrawn.

#### **New Claims**

New claims 14-20 have been added to further define the polymer electrolyte in the claimed method. These claims are believed to be allowable because the prior art relied upon by the Examiner does not disclose or suggest the claimed polymer electrolyte. See U.S. Patent No. 6,765,785, the parent of the present application, wherein claims to the polymer electrolyte were allowed.

#### **CONCLUSION**

For the foregoing reasons, it is submitted that claims 13-20 are patentable over the teachings of the prior art relied upon by the Examiner. Accordingly, favorable reconsideration of the claims is requested in light of the preceding remarks and amendments to the claims. Allowance of the claims is courteously solicited.

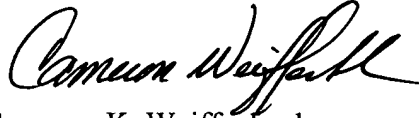
If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. § 1.17 and in connection

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with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,  
McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Cameron Weiffenbach", written in a cursive style.

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